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FISCAL IMPACT STATEMENT

LS 6685

BILL NUMBER: HB 1218

NOTE PREPARED: Jan 8, 2008

BILL AMENDED:

SUBJECT: Eminent Domain Issues.

FIRST AUTHOR: Rep. Walorski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *Regional District Membership-* The bill provides that if more than half of the members of the board of trustees of a regional water, sewer, or solid waste district are appointed rather than elected, the district may not initiate any proceeding to: (1) condemn; (2) appropriate; or (3) exercise the power of eminent domain; to acquire real property within or outside the district after March 27, 2008.

Procedures for Condemnation and Request for Mediation Regarding Landfill Property- The bill sets forth procedures to be followed by a condemnor that initiates a proceeding after March 27, 2008, to condemn a parcel of real property for use in establishing or expanding a landfill. The bill allows the owner of the parcel in such a proceeding to file a request for mediation at the same time that the owner files an objection or an exception in the proceeding.

The bill provides that the condemnor must pay the owner: (1) 200% of the fair market value of the parcel; (2) other damages and compensation for any loss incurred by the owner in a trade or business because of the condemnation; (3) any relocation costs of the owner; and (4) costs of the proceeding and litigation expenses, as permitted by law.

Technical Correction- The bill makes a technical correction to correct a reference to a nonexistent code cite.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Regional District Membership-* This provision could reduce the number of properties condemned, appropriated, or placed under exercise of eminent domain around regional water, sewer, and solid waste districts. It is unknown how many districts have majority membership by appointment. As of December 21, 2007, from 89 reporting counties, there were 63 water, sewer, and solid waste districts with total certified levies of \$106.9 M.

Procedures for Condemnation and Request for Mediation Regarding Landfill Property- Under the bill, a condemnor (or person authorized to exercise the power of eminent domain) would not be able to proceed with an acquisition until a court had appointed a mediator for a property owner requesting a mediator. The condemnor would be responsible for any mediator fees.

Regional water, sewer, or solid waste districts would likely require increased expenditures in order to secure property under the compensation and payment requirements within the bill.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local units of government, regional water, sewer, or solid waste districts with power to invoke eminent domain; trial courts.

Information Sources: LOGODABA.

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